



05-11/01

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: VALENTINE et al.

Attorney Docket No.: DEM1P002

Application No.: 09/742,472

Examiner: UNASSIGNED

Filed: December 20, 2000

Group: 2122

Title: IMPUTED VARIABLE GENERATOR

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on May 17, 2001 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EL76908861SUS, addressed to: Commissioner for Patents, Washington, D.C. 20231.


Alison Gates

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S) CONSIDERED
AS OMITTED BY THE P.T.O. - RESPONSE TO NOTICE OF OMITTED ITEMS;
EVIDENCE OF DEPOSIT OF ITEM(S)**

Commissioner for Patents
Washington, D.C. 20231

Adjustment date: 08/24/2001 161895
08/27/2001 KZEPDIF 00000059 09742472
PC:122 -130.00 OP
Sir:

This is in response to the Notice of Omitted Items mailed for this application, as part of the Notice to File Missing Parts of Nonprovisional Application, on May 3, 2001. A copy of the Notice to File Missing Parts of Nonprovisional Application is enclosed.

Applicants assert that the items indicated as omitted were in fact deposited with the P.T.O. with the original application papers filed on December 20, 2000.

In accordance with the requirements of the Notice of June 5, 1996, 61 Fed.Reg. 30,041-30,046, Applicants hereby:

1. Petition under 37 CFR §1.53(e) for a review of the determination that the items in issue were omitted;
2. Submit the petition fee under 37 CFR §1.17(i) and
3. Submit the attached evidence of the deposit of the items in issue.

Rec'd. Ref: 00/24/2001 161895 0011210000
004:500200 Name/Number: 09742472
PC: 706 \$130.00 CR

Fee Payment

Attached is Check No. 1818 in the amount of \$130.00 in payment of the petition fee. The P.T.O. is authorized to charge any additional fees required by this paper or credit any overpayment to our Deposit Account No. 50-0388.

Request for Refund for Petition Fee (37 CFR §1.53(e))

It is respectfully requested that, upon grant of the petition under 37 CFR §1.53(e), the petition fee be refunded by a refund check.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Francis T. Kalinski II
Registration No. 44,177

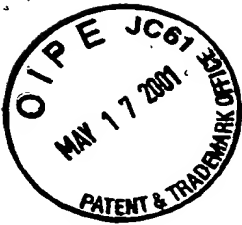
P.O. Box 778
Berkeley, CA 94704-0778
Telephone: (831) 655-2300

Atty. Dkt. No. DEM1P002

**EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION INDICATED
AS OMITTED IN THE "NOTICE OF OMITTED ITEMS" – NONPROVISIONAL
APPLICATION**

In connection with the "Notice of Omitted Items" dated May 3, 2001, Applicants submit the following evidence that the item(s) indicated as omitted were in fact deposited with the P.T.O. on December 20, 2000, which is the original date on which the papers for this application were deposited:

A photocopy of the date stamped return post card receipt showing thereon that the item(s) indicated as omitted were in fact deposited is attached hereto and made a part herein.



#3

Docket #	DEM1P002	By:	FTK/sf	Date of this mailing:	12/20/00
Appl'n #	Filed Herewith	Filing Date:	Filed Herewith	Express Mail #	EJ756595432US
Inv(s)	VALENTINE et al.				
Title:	IMPUTED VARIABLE GENERATOR				

The following have been received in the U.S. Patent Office on the date stamped hereon:

Item	Description	# Pgs
1.	Utility Patent Application Transmittal (37 CFR §1.53(b))	2
2.	Specification, Claims and Abstract	61
3.	18 Sheets of Formal Drawings	18
4.	Nonpublication Request and Certification	1
5.		
6.		
7.		
8.		
9.		
10.		

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jc912 U.S. PTO
09/742472



COPY

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UNITED STATES PATENT AND TRADEMARK OFFICE

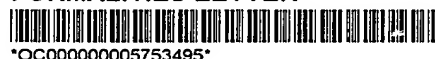
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/742,472	12/20/2000	Suzanne Valentine	DEM1P002

CONFIRMATION NO. 1040

22434
BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

FORMALITIES LETTER



OC000000005753495

Date Mailed: 05/03/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

The following item(s) appear to have been omitted from the application:

- Figure(s) 12A, 12B described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the

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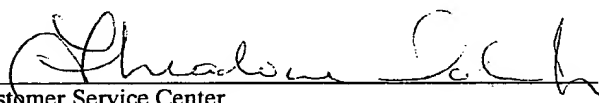
05/23/2001 KZEWIDIE 00000059 09742472

01 FC:122 130.00 OP

application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE